(45)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1465 of 2007

Petitioner : Manharan, Aged about 48 Years, S/o Shri Paras Ram working as Gangman, in permanent gang, Office of S.D.O. Public Works Department, Sub Division Bemetara, Dist : Durg-(C.G.) R/o Charbhata, Post - Jhal, Tahsil-Bemetara, Dist : Durg-(C.G.)

Versus

Respondents :

1. State of Chhattisgarh Through-The Secretary Public Works Department, Mantralaya, D.K.S. Bhawan, Raipur-(C.G.)
2. Engineer-In-Chief, Public Works Department, Near 'Raj Bhawan', Dist : Raipur-(C.G.)
3. Superintending Engineer, Public Works Department, Raipur Division, Dist : Raipur-(C.G.)
4. Executive Engineer, Public Works Department, Tehsil & Division Bemetara, Dist : Durg-(C.G.)
5. The Sub Divisional Officer, Sub Division Bemetara, Tehsil-Bemetara, Dist : Durg-(C.G.)

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Present: Mr. Rakesh Anthony, Advocate for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for State/respondents.

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ORDER

(Passed on this 14th Day of March, 2007)

1. By this petition, learned counsel appearing for the petitioner submits that the petitioner was employed in the year 1976 in the office of Public Works Department, Tahsil-Bemetara, District-Durg as Gangman and the petitioner, who has worked for more than 30 years as Gangman. He seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.')56.

2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this

Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge